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Attorney Docket No.: PG3606

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Delany, et al.

Serial No.: 09/857,123

Group Art Unit: 1646

Filed: July 3, 2001

Examiner: Janet Andres

For: HUMAN VANILLOID (CAPSAICIN) RECEPTOR AND USE IN PAIN THERAPY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO REQUIREMENT FOR RESTRICTION
UNDER 35 U.S.C. §121

Sir:

This paper is in response to the Office Action dated June 29, 2004, setting forth a thirty (30) day shortened statutory period for reply. This response is being filed within said period, and no fees are believed due. However, authorization is hereby given to deduct any fees required by this paper to Deposit Account No. 19-2570, should any fees be due.

REMARKS

Claims 1-51 are pending in this application and are subject to a restriction requirement.

ELECTION/RESTRICTION

A requirement for restriction has been made under 35 U.S.C. §121 (37 C.F.R. §1.142) between the inventions of:

Group I, claims 1, 2, 4, and 48-50, drawn to VR1 polypeptides.

Group II, claims 1, 3, 5, 48, 49, and 51, drawn to VR3 polypeptides.

Group III, claims 6, 7, 9, 10, 12, 14, 15, 17, 18, 20, 21, 45, 46, drawn to VR1 polynucleotides and means of expression.

Group IV, claims 6, 8, 9, 11, 13, 14, 16, 17, 19, 20, 22, 45, and 47 drawn to VR3 polynucleotides.

Group V, claims 23 and 24, drawn to VR1 antibodies.

Group VI, claims 23 and 25, drawn to VR3 antibodies.

Group VII, claim 26 drawn to methods of screening for VR1 effectors.

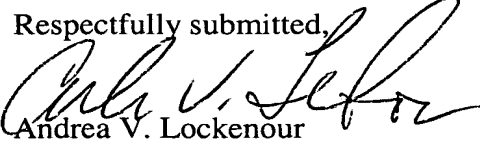
Group VIII, claim 26 drawn to methods of screening for VR3 effectors.

Group IX, claims 27-44 drawn to VR1 effectors and methods of use.

Group X, claims 27-44, drawn to VR3 effectors and methods of use.

Upon review of the Detailed Action provided by the Examiner, the Applicants provisionally elect the subject matter of Group II, 1, 3, 5, 48, 49, and 51, drawn to VR3 polypeptides, with traverse.

Should the restriction become final, the Applicants reserve the right to prosecute, in one or more patent applications, the canceled claims, the claims to non-elected inventions, the claims as originally filed, and any other claims supported by the specification.

Respectfully submitted,

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